



TOWN OF KNIGHTDALE

950 Steeple Square Court
Knightdale, NC 27545
KnightdaleNC.gov

ORDINANCE #19-08-21-003

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF KNIGHTDALE TO UPDATE THE APPENDIX AND REFERENCES TO THE APPENDICES

WHEREAS, the Town of Knightdale has initiated a text amendment to amend Chapter 1 “Purpose and Applicability” to reflect the new appendices and comprehensive plan, Chapter 2 “District Provisions” to remove references to the 2027 Comprehensive Plan, Chapter 6 “Environmental Protection” to remove references to the 2027 Comprehensive Plan and update references to the appendices, Chapter 7 “Recreational and Open Space” to update references to the appendices, Chapter 9 “Circulation and Connectivity” to update references to the appendices, Chapter 17 “Infrastructure Improvement Requirements” to update references to the appendices, Appendix A is update to reflect the Street Network Plan, Appendix B is updated to reflect the Trails and Greenways plan, and Appendix C is update to reflect the Functional Classification Plan; and

WHEREAS, the petition also includes the amendment of other remaining chapters of the Unified Development Ordinance that may be affected by the proposed amendments, such as updating code section references and locations, the use matrix, the ordinance table of contents and index, as well as adding/amending definitions in Chapter 19 for consistency; and

WHEREAS, the Town of Knightdale Unified Development Ordinance Section 15.6(B) establishes uniform procedures for amending the text of the Ordinance; and

WHEREAS, the zoning text amendment is consistent with the adopted comprehensive plan. The amendment is consistent with the guiding principle of continuously improving quality-of-life for all residents of Knightdale by maintaining and expanding community facilities and services (infrastructure); and

WHEREAS, It is further reasonable and in the public interest as it aligns the appendices in the UDO with the Street Network Plan and Trails and Greenway Map from the KnightdaleNext 2035 Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Knightdale, North Carolina:

SECTION 1. That Chapter 1 of the Unified Development Ordinance of the Town of Knightdale Code is amended to read as follows:

Chapter 1. PURPOSE AND APPLICABILITY

1.1 Title

This appendix of the Knightdale Code of Ordinances shall be known as and may be cited as the “Unified Development Ordinance (UDO) for the Town of Knightdale,” and may be referred to as the “Knightdale Development Ordinance” or “Knightdale UDO”.

1.2 Authority

The Knightdale UDO is hereby adopted under the authority and provisions in Chapter 160A, Article 19; Chapter 160A, Article 8; Chapter 160A, §§ 174 and 185; Chapter 143, Article 21, Part 1 and rules promulgated by the Environmental Management Commission thereunder; Chapter 143, Article 21, Part 6; Chapter 153A, Article 18; and Chapter 113A, Article 4 of the North Carolina General Statutes (N.C.G.S.); and Article 14, Section 5 of the Constitution of North Carolina.

Whenever any provision of this appendix refers to or cites a section of the N.C.G.S. and that section is later amended or superseded, the appendix shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

1.3 Jurisdiction

The Knightdale UDO shall be effective throughout the Town of Knightdale and its extraterritorial planning jurisdiction (ETJ). The planning jurisdiction of the Town may be modified from time to time in accordance with §160A-360 of the N.C.G.S.

1.4 Intent

A. Declaration of Necessity

In order to protect and promote the health, safety, and general welfare of the town and its ETJ, the Knightdale UDO is adopted by the Town Council to regulate and restrict by means of zoning and subdivision regulations the height and size of buildings and other structures; the appearance and design of developments; the percentage of lots that may be covered or occupied; the dimensions of setbacks; the size of open spaces; the density of population; the allocation of municipal water capacity; the construction and installation of infrastructure; and the location, use and design of landscaping, buildings, structures, and land for trade, industry, residence, and other purposes.

B. Purpose

The purpose of the regulations set forth in the Knightdale UDO shall be to fulfill the goals and objectives of the KnightdaleNext 2035 Comprehensive Plan, adopted August 15 2018, as may be amended from time to time.

1.5 Required Conformance to Knightdale UDO Provisions

- A. Conformance In General:** Except as otherwise specifically provided in the Knightdale UDO, no land shall be subdivided; no land or structure shall hereafter be used or occupied; no excavation, removal of soil, clearing of a site, or placing of fill shall take place on lands contemplated for development; no infrastructure shall be constructed or installed; and no structure, or part thereof, shall be constructed, erected, altered, or moved, unless in compliance with all of the applicable provisions of the Knightdale UDO.

- B. Certain Farmland Exempt:** Any tract of land that meets the following requirements shall be exempt from the provisions of this ordinance:
1. is at least three (3) acres in size under common ownership;
 2. is used for dairying, the raising of agricultural products, the raising of horticultural products, timbering and silviculture, the raising of livestock or poultry; or houses facilities for the sale of onsite-produced products; and
 3. has generated at least an average of \$1,000 in annual farm sales over the most recent three (3) year period.

Timbering and silviculture operations are not exempt from the provisions and potential penalties of Section 8.2D.

This exemption does not apply to swine farms as defined in N.C.G.S. §106-802.

- C. Alternate Means of Compliance:** As part of a Utility Allocation/Annexation Agreement (UAA) for a development project, the Town council may apply alternate means of compliance with otherwise applicable UDO design, connectivity, sign, landscaping, parking, lighting or similar standards allowing the ultimate intent or spirit of the Ordinance to be maintained. Alternate means of compliance should reflect the spirit and intent of the ordinance and are not provided to circumvent the variance procedures. Further the UAA shall be consistent with and include measures of the Water Allocation Policy. Alternate means of compliance shall only be approved if conditions are limited to impacts that are related to the development of the site and are intended to allow for voluntary alternate conditions to help further the goals and objectives of the Town Council not to alleviate hardships. The UAA shall act as a development agreement as defined in N.C.G.S. §160A-400.20.

1.6 Relationship to the Existing Zoning Ordinance and Subdivision Ordinance

A. Continuation of Provisions

To the extent that the provisions of the Knightdale UDO are the same as the previously adopted provisions that they replace in the Zoning Ordinance and the Subdivision Regulations and the 1995 Unified Development Ordinance, they shall be considered as continuation thereof and not as new enactment unless otherwise specifically provided.

B. Repeal of Existing Subdivision and Zoning Regulations

The existing subdivision regulations entitled "Subdivision Regulations for the Town of Knightdale, North Carolina" as adopted on June 6, 1977 and as subsequently amended are hereby repealed. The existing zoning regulations entitled "Zoning Ordinances for the Town of Knightdale, North Carolina" as adopted on February 28, 1974 and as subsequently amended are hereby repealed. The adoption of the Knightdale UDO, however, shall not affect nor prevent any pending or future prosecution of, or action to abate an existing violation of said regulations.

1.7 Conflict with Other Laws

When provisions of the Knightdale UDO impose higher standards than are required in any other statute or local ordinance or regulation, provisions of the Knightdale UDO shall govern. When the provisions of any other statute or local ordinance or regulation impose higher standards than are required by the provisions of the Knightdale UDO, the provisions of that statute or local ordinance or regulation shall govern.

1.8 Prior Final Approvals, and Complete Applications

All projects for which a complete application was submitted and approved by the Town of Knightdale prior to the effective date of this ordinance shall be exempt from complying with all provisions of this ordinance dealing with the control and/or management of post-construction runoff, apart from those post-construction runoff provisions in the preceding 1995 UDO.

1.9 Comprehensive Plan

It is the intention of the Council that the Knightdale UDO implements the planning policies adopted for the Town and its ETJ, as reflected in the Comprehensive Plan and other related planning documents. While the Council reaffirms its commitment that the Knightdale UDO and any amendment to it, be in conformity with adopted planning policies, the Council hereby expresses its intent that neither the Knightdale UDO nor any amendment to it may be challenged on the basis of any alleged non-conformity with any planning document.

1.10 Violations Continue

Any violation of provisions existing on the effective date of this ordinance shall continue to be a violation under this ordinance and be subject to penalties and enforcement under Chapter 18, unless the use, development, construction or other activity complies with the provisions of this ordinance.

1.11 Effective Date

These regulations shall become effective on November 16, 2005. Upon adoption, these regulations shall supercede, repeal, and replace the Knightdale UDO, as made effective on August 14, 1995.

Many provisions herein are a restatement of provisions of the Knightdale Subdivision Regulations or the Zoning Ordinance, adopted May 6, 1991, or the 1995 Knightdale UDO with an effective date of August 14, 1995 and are hereby continued without interruption. All other provisions of this Ordinance shall become effective November 16, 2005.

SECTION 2. That Chapter 2 of the Unified Development Ordinance of the Town of Knightdale Code is amended to read as follows:

2.7 General Residential (GR3 and GR8)

A. Purpose and Intent: The General Residential District is intended for Town's existing predominately-residential neighborhoods as well as provide for new primarily-residential development in accordance with a suburban pattern. These Districts are differentiated only by the density of the overall development relative to the planning goals of the Town as set forth in the Comprehensive Plan.

B. Specific District Provisions:

1. Maximum Development Density:

GR3: 3 Units/Acre (*Gross Acreage*)

GR8: 8 Units/Acre (*Gross Acreage*)

2. Permitted Building Type Ratio: The maximum number of Townhouse buildings in a GR development shall not exceed 30% of the total number of units.

3. Lot and Building Dimensional Requirements: On infill lots, the minimum lot width, front and side setbacks shall be equal to the median lot width, average as-built front setback and average as-built side setback dimension, respectively, of lots on the same block face and the opposite block face within 300 feet or one block length (*whichever is greater*). In

situations where no block face exists (*no houses facing the street*) for purposes of making average calculations, a Special Use Permit shall be required. Otherwise, the dimensional requirements for new developments shall be as follows:

Building Type (CH 5) :	House	Townhouse	Civic & Institutional
Lot Width (a) (Min)	30 ft	n/a	100 ft
Front Setback (g) (Min)	10 ft	0 ft	10 ft
Front Setback (g) (Max)	n/a	25 ft	n/a
Front Yard Encroachment (b)	8 ft	(e)	10 ft
Minimum Driveway Length	35 ft	n/a	n/a
Side Setback (g) (Min)	20% of lot width (d)	10 ft between buildings	15 ft
Rear Setback (g) (Min)	25 ft	n/a	30 ft
Rear Setback from Rear Lane/Alley (c) (Min)	20 ft from centerline	15 ft from centerline	n/a
Accessory Structure Side/Rear Setback (Min)	5 ft	5 ft	5 ft
Maximum Height (f)	3 stories	3 stories	3 stories

Notes:

- (a) For lots less than 80 feet wide, alley/rear lane access to all off-street parking areas is required, except when such lots front onto an approved cul-de-sac, in which case shared driveways shall be required. For in-fill lots less than 80 feet wide where no alley/rear lane access exists, shared driveways shall be required. For lots 80 feet wide or greater, access to off-street parking is permitted from the fronting street or rear lane/alley.
- (b) Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback (Section 4.3).
- (c) For lots that provide access to off-street parking from a rear lane/alley.
- (d) **For lots 60' in width or greater:** Side setbacks are calculated as an aggregate setback. However, a five (5) foot minimum setback per side shall be maintained;
For lots less than 60' in width: Side setbacks are calculated as an aggregate setback. However, a three (3) foot minimum setback per side shall be maintained. Also, in new developments with zero lot line products, the entire 20% side setback may be allocated to one (1) side provided that the side setback condition is identical for all lots along the same block face. In addition, for zero lot line developments, a minimum of six (6) feet of total building separation is required.
- (e) Upper story balconies may encroach into the right-of-way (over sidewalk only) with permission from the Administrator.
- (f) Refer to Section 4.4 for computation of height.
- (g) For Major Subdivisions receiving Master Plan approval prior to November 16, 2005, recorded plat setbacks for principal buildings shall prevail.

SECTION 3. That Chapter 6 of the Unified Development Ordinance of the Town of Knightdale Code is amended to read as follows:

6.4 Post Construction Stormwater Management

Development alters the hydrologic response of local watersheds and increases stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint source pollution, and sediment transport and deposition, as well as reducing groundwater recharge. These changes in stormwater runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology that are harmful to public health and safety as well as to the natural environment. These effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from development sites.

Further, the Federal Water Pollution Control Act of 1972 (“Clean Water Act”) and federal Phase II Stormwater Rules promulgated under it, as well as rules of the North Carolina Environmental Management Commission promulgated in response to federal National Pollutant Discharge

Elimination System (NPDES) Phase II requirements, compel certain urbanized areas, including this jurisdiction, to adopt the minimum stormwater controls such as those included in this ordinance. Therefore, the Town Council establishes this set of water quality and quantity regulations to meet the requirements of state and federal law regarding control of stormwater runoff and discharge.

A. Objectives

This ordinance seeks to meet its general purpose through the following objectives:

1. Establishing decision-making processes for developments that protect the integrity of watersheds and preserve the health of water resources;
2. Requiring that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable for the applicable design storm in order to reduce flooding, stream bank erosion, nonpoint source pollution and increases in stream temperature, and to maintain the integrity of stream channels and aquatic habitats;
3. Establishing minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
4. Establishing design and review criteria for the construction, function, and use of structural stormwater control facilities that may be used to meet the minimum post-development stormwater management standards;
5. Encouraging the use of better management and site design practices, such as the preservation of green space and other conservation areas, to the maximum extent practicable;
6. Establishing provisions for the long-term responsibility for and maintenance of structural and nonstructural stormwater best management practices (BMPs) to ensure that they continue to function as designed, are maintained appropriately, and pose no threat to public safety;
7. Establishing administrative procedures for the submission, review, approval and disapproval of stormwater management plans, for the inspection of approved projects, and to assure appropriate long-term maintenance; and
8. Coordinating site design plans that include open space and natural areas with the Comprehensive Plan.

SECTION 4. That Chapter 7 of the Unified Development Ordinance of the Town of Knightdale Code is amended to read as follows:

7.5 Recreational Open Space Criteria

In addition to meeting the general requirements of Section 7.2, land proposed for improved recreational open space shall meet the following criteria:

F. Type

1. **Active:** At least one half (½) of the recreational open space shall be provided for active recreation purposes such as playgrounds, tennis courts, ball fields, volleyball courts, etc., and improved to accepted national or local standards for size and associated amenities. Areas including ponds, wetlands, floodplains, or easements for public utility transmission lines shall not receive credit in the computation for the amount of active recreational open space required. In addition, 10-foot multi-use paths within greenway easements required by *Appendix B: Town of Knightdale Trails and Greenways Map*, while passive in nature, shall be credited as active recreational open space for the area of the public greenway easement (Section 7.5E).

2. **Passive:** Up to one half ($\frac{1}{2}$) of the recreational open space shall be provided for passive recreation purposes such as walking, jogging, cycling, relaxation, etc. Preservation of natural resources or cultural resources such as steep slopes, rock outcroppings, mature woodlands or water resources may also be counted provided there is some method approved by the TRC for public enjoyment and appreciation of such resources.

G. Topography

1. **Active:** The average slope of land for active recreation shall not exceed seven and one-half percent ($7\frac{1}{2}$ %).
2. **Passive:** The average slope of land for passive recreation shall not exceed the average slope of the entire subdivision or development, and in no case shall the average slope exceed 15% unless otherwise approved by the TRC for the preservation of natural resources.

H. Shape

1. **Active:** The shape of land for active recreation shall be sufficiently square or rectangular to be suitable for, but not limited to, playgrounds, courts, or playfields.
2. **Passive:** The shape of land for passive recreation shall be sufficient to encompass the walking or jogging path, natural or cultural resource or other proposed area to be enjoyed.

- I. **Unity:** Land provided for recreational open space shall form a single parcel except where the TRC determines that two (2) or more parcels are more suitable to the accessibility needs (Section 5.7E) of a particular subdivision. The TRC may require that such parcels be connected by a path contained within a strip of recreation area which shall have a minimum width of 30 feet. A maximum width of 50 feet may be required where slope, parallel utility lines or other site conditions warrant additional width.

- J. **Accessibility:** All recreational open space shall have at least 50 feet of frontage on at least one (1) public street within the subdivision. All six (6) foot multi-use asphalt paths, including those within greenway easements, shall be located on an easement of at least 20 feet in width that guarantees access by pedestrians and non-motorized vehicles. 10-foot asphalt multi-use paths within greenway easements required by Appendix B shall be located on an easement of at least 30 feet in width.

SECTION 5. That Chapter 9 of the Unified Development Ordinance of the Town of Knightdale Code is amended to read as follows:

Chapter 9. CIRCULATION AND CONNECTIVITY

9.1 Purpose and Intent

The purpose of this section is to support the creation of a highly connected transportation system within the Town in order to:

- provide choices for drivers, bicyclists, and pedestrians;
- promote walking and bicycling;
- connect neighborhoods to each other and to local destinations such as schools, parks, and shopping centers;
- reduce vehicle miles of travel and travel times;
- increase effectiveness of municipal service delivery; and
- free up arterial capacity to better serve regional long distance travel needs.

It is the intent of this UDO to build streets that are integral components of community design. Streets must be pedestrian in nature and shall be designed with sufficient detail to complement the architectural detail of neighborhoods and commercial centers. In addition to the standards of this Chapter, streets shall also conform to the provisions of Chapter 17.

9.2 Arterial and Collector Plans

- A. Conformity:** The street layout in any development shall conform to the arrangement, width and location of public streets indicated on the regulating Arterial and Collector plans for the area. (*See Appendix A, Street Network Plan*). Whenever a tract of land included within any proposed development plan embraces any part of the arterial or collector systems as designated on the Town Street Network Plan, the development shall be required to dedicate and plat the arterial or collector right-of-way, and shall be responsible for the cost and the installation of the improvements in accordance with the Town's standards for streets.

Developments which embrace only one (1) side of an existing or planned arterial or collector right-of-way will only be required to dedicate and plat additional right-of-way for that portion of street with which the development has frontage, and shall be responsible for the cost and the installation of the improvements in accordance with the Town's standards for streets.

- B. Street Stubs:** New developments are required to stub streets to the outer perimeter boundaries of the development based on the criteria below. If the street in question meets at least two (2) of the criteria, then the street must be built to an appropriate collector street standard.
1. The street intersects directly with an arterial street and provides access to an area with an overall density of ten (10) dwelling units per acre, or provides access to more than 150 dwelling units.
 2. The street by its general configuration, in relationship to the existing development of the area, in effect serves a collector function.
 3. The street extends into an undeveloped area in such a manner as to serve a future collector function.
 4. The street serves as primary access to a significant nonresidential, institutional, or recreational land, as well as, an access to a residential area of 20 or more acres.

I. Bicycle Amenities

In North Carolina, a bicycle has the legal status of a vehicle and is permitted to operate on any roadway where NC Board of Transportation policy does not expressly prohibit non-motorized vehicles (*i.e. interstates and other fully-controlled, limited access highways*). In addition to the preceding requirements of this Section:

1. Except for Main Street cross-sections with on-street parking (*see Section 17.3A(3)*), bicycle amenities in the form of bike lanes—four (4) feet in width (*excluding curb and gutter*) and five (5) feet when adjacent to on-street parking—or wide outside lanes (*15-foot minimum*) with sharrow pavement markings shall be incorporated in the design of all arterials, collector streets and roads with bicycle



routes identified on *Appendix B: Town of Knightdale Trails and Greenways Plan*; and

2. Bicycle parking shall be provided according to the requirements established in sections 10.3C and 10.7.

SECTION 6. That Chapter 17 of the Unified Development Ordinance of the Town of Knightdale Code is amended so that all references to the appendices be updated accordingly.

SECTION 7. That Chapter 19 of the Unified Development Ordinance of the Town of Knightdale Code is amended to update the definitions to match the updated appendices.

SECTION 8. That Appendix A is updated to reflect the Street Network Plan from the *KnightdaleNext 2035 Comprehensive Plan*.

SECTION 9. That Appendix B is updated to reflect the Trails and Greenways Plan from the *KnightdaleNext 2035 Comprehensive Plan*.

SECTION 10. That Appendix C is updated to reflect the Functional Classification Plan as updated to reflect the recommendations from the *KnightdaleNext 2035 Comprehensive Plan*.

SECTION 11. That all laws and clauses of law in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 12. That if this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

SECTION 13. That this ordinance has been adopted following a duly advertised public hearing of the Town Council and following review and recommendation by the Land Use Review Board.

SECTION 14. That this ordinance shall be enforced as provided in G.S. 160A-175 or as provided for in the Knightdale Town Code.

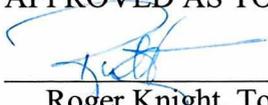
SECTION 15. That this ordinance shall become effective upon its adoption by Town Council.

Adopted this 21st day of August, 2019

BY: 
James A. Roberson, Mayor

ATTEST: 
Heather M. Smith, Town Clerk

APPROVED AS TO FORM:


Roger Knight, Town Attorney